

a memory unit,

wherein the processor monitors the cable network for information indicating that a download is available and indicating a specified channel for receiving the offered download, wherein said terminal occasionally receives said download over said cable network of new programming on said specified channel; and

wherein following said download of programming, said processor will only execute said new programming from said download when one or more predetermined criteria are satisfied that indicate executing said new programming will not inconvenience said subscriber.

Please add the following new claims:

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43. (new) A set-top terminal for connecting a subscriber to a cable network, said terminal comprising:

a processor; and

a memory unit,

wherein the processor monitors transmissions over said cable network for information indicating that a download of data or programming is available and indicating a specified channel for receiving the download of data or programming offered to said set-top terminal over said cable network, wherein said processor only accepts a download and records said download in said memory unit when one or more predetermined criteria are satisfied that indicate that acceptance of said download will cause a minimum of interference with said subscriber's use of said set-top terminal; and

wherein said one or more criteria include a deadline by which acceptance of said download is required by an operator of said cable network, said deadline being a specific point in time subsequent to an initial offering of said download of data or programming.

44. (new) The terminal of claim 43, wherein said set-top terminal defers said deadline if said set-top terminal is being used to provide a dedicated service including recording programming in conjunction with a video cassette recorder or providing pay-per-view programming.